

ORDINANCE NO. O-2023-18

(23-L-40)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING THE CITY'S ADOPTED COMPREHENSIVE PLAN BY AMENDING THE LAND USE ELEMENT TO ESTABLISH CERTAIN PERMITTED USES IN AREAS DESIGNATED OPEN SPACE AND RECREATION.

WHEREAS, the City adopted its Comprehensive Plan in September 1989, pursuant to Ordinance O-89-54, and has amended the plan over time; and

WHEREAS, Section 163.3184, Florida Statutes, allows for amendments to the comprehensive plan through an expedited review process; and

WHEREAS, the intent of the Land Use Element of the City's Comprehensive Plan is to lay out the physical plan for future development of the City; and

WHEREAS, the Land Use Element describes appropriate locations for future land uses and declares the policies regulating the location and development of all land uses; and

WHEREAS, the proposed Land Use Element text amendment will establish civic and cultural buildings, community facilities and utility uses as permitted uses in areas designated open space and recreation, as more specifically described in the attached Exhibit "A"; and

WHEREAS, Broward Next allows municipalities to have greater flexibility in the process for the incorporation of community facilities and/or utility uses within the land use element of the comprehensive plan as such uses serve a public purpose to promote health, safety and welfare; and

WHEREAS, the proposed text amendment is the same language found in the "Permitted Uses" section of Broward Next, which brings the City's Comprehensive Plan more into compliance with the County's comprehensive plan; and

WHEREAS, pursuant to state law, the Planning and Development Board, acting in its capacity as the Local Planning Agency, held a duly noticed public hearing on September 12, 2023, to review the proposed comprehensive plan amendment and has forwarded a recommendation of approval to the City Commission; and

WHEREAS, Section 163.3184, Florida Statutes, requires that the adoption of plan amendments shall be by ordinance; and

WHEREAS, pursuant to state law, the City Commission ("local governing body") has conducted two duly advertised public hearings on the proposed plan amendments to the Comprehensive Plan's Land Use Element and land use map series for the future land use element, one at transmittal stage and one at the adoption stage in compliance with Section 163.3184, Florida Statutes and local ordinances, including review of the objections, recommendations and comments of the Florida Department of Economic Opportunity, if any; and

WHEREAS, the City Commission, after due consideration of all matters, finds that the proposed amendments are consistent with the City of Hollywood's Comprehensive Plan and the Broward County Comprehensive Plan, the State of Florida Plan, the South Florida Regional Planning Council Regional Plan, and complies with the requirements of the Local Government Comprehensive Planning and Land Development Act; and

WHEREAS, the City Commission, after review of the recommendations of the Director of the Development Services, the Local Planning Agency, comments made at a public hearing, and careful consideration of the issues, finds that the proposed amendments are in the best interest of the health, safety, and welfare of the citizens of the City; and

WHEREAS, the City Commission is transmitting to the Broward County Planning Council an amendment to the City's Land Use Element of its Comprehensive Plan; and

WHEREAS, the City requests that Broward County transmit the City's land use amendment for review by the Florida Department of Economic Opportunity.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated into this Ordinance.

Section 2: That the Land Use Element of the City of Hollywood's Comprehensive Plan is amended as more specifically set forth in the attached Exhibit "A."

Section 3: That the attached comprehensive plan text amendment set forth in Exhibit "A" to the City of Hollywood's Comprehensive Plan shall be transmitted to the State of Florida Department of Economic Opportunity in compliance with Chapter 163, Florida Statutes, and also to the Broward County Planning Council for recertification.

Section 4: That the City of Hollywood's Comprehensive Plan Future Land Use Element shall be amended to reflect the proposed Land Use Element changes.

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING THE CITY'S ADOPTED COMPREHENSIVE PLAN BY AMENDING THE LAND USE ELEMENT TO ESTABLISH CERTAIN PERMITTED USES IN AREAS DESIGNATED OPEN SPACE AND RECREATION. (23-L-40).

Section 5: If any word, phrase, clause, subsection, or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

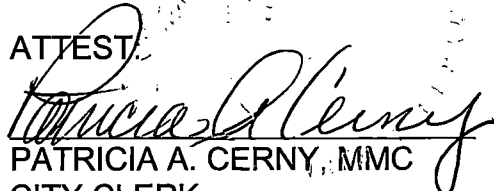
Section 6: That pursuant to Section 163.3184(3)(c)(4), Florida Statutes, the effective date of this Ordinance shall be 31 days after the state planning agency notifies the City that the plan amendment package is complete or if timely challenged, the date a final order is issued by the state land planning agency or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier.

ADVERTISED on November 21, 2023.

PASSED on first reading this 20 day of September, 2023.

PASSED AND ADOPTED on second reading this 6 day of December, 2023.

ATTEST:


PATRICIA A. CERNY, MMC
CITY CLERK


JOSH LEVY, MAYOR

APPROVED AS TO FORM:


DOUGLAS R. GONZALES
CITY ATTORNEY

EXHIBIT "A"

LAND USE ELEMENT

V. Analysis and Issues.

Future Land Use Categories.

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Permitted Uses in Areas Designated Open Space and Recreation

The following uses are allowed within Open Space and Recreation areas to the degree and extent permitted by the applicable zoning regulations.

1. Active and passive outdoor recreation.
2. Recreational, educational, civic or cultural buildings which are ancillary or accessory to the primary recreational use.
3. Golf courses, (which are intended to remain as permanent open space).
4. Water oriented activities; such as boat docks and boat ramps.
5. Camping ground and facilities.
6. Outdoor cultural, educational and civic structures and uses.
7. Concessions only when accessory to above uses.
8. Any uses allowed in Conservation.
9. Civic and cultural buildings may be permitted if they are ancillary to the primary recreation use of the site.
10. Community facilities and utility uses, up to five acres, provided that the:
 - a. Community facility and/or utility uses are publicly owned and intended to serve a public purpose to promote health, safety and welfare;
 - b. The City of Hollywood meets the minimum open space requirement of three acres per 1,000 existing and projected permanent residents;
 - c. The proposed community facility or utility use is limited to no more than five acres and The City of Hollywood demonstrates that sufficient and functional open space serving the area residents will be retained.

For a detailed discussion of the rules regarding Open Space and Recreation, see the "Open Space and Recreation" element.

LEGAL AD
CITY OF HOLLYWOOD

NOTICE IS HEREBY GIVEN in accordance with Section 166.041 Florida Statutes that the City Commission of the City of Hollywood, Florida, at a Regular City Commission Meeting, on Wednesday, December 6, 2023, in the City Commission Chambers, Room 219, 2600 Hollywood Blvd, Hollywood, Florida, proposes to consider on second and final reading the following proposed ordinance(s):

Proposed Ordinance - PO-2023-17 beginning at: 1:15 PM, or as soon thereafter as same can be heard:

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ARTICLES 2 AND 3 OF THE ZONING AND LAND DEVELOPMENT REGULATIONS BY PROVIDING A DEFINITION AND ESTABLISHING DISTANCE SEPARATION REQUIREMENTS FOR SMOKE SHOPS. (23- T-30)

Proposed Ordinance - PO-2023-18 beginning at: 1:15 PM, or as soon thereafter as same can be heard:

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING SECTION 3.22 OF ARTICLE 3 OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ENTITLED "STANDARDS FOR THE PAINTING AND COLOR OF EXTERIOR SURFACES OF BUILDINGS AND STRUCTURES" TO ESTABLISH REGULATIONS FOR ART IN PUBLIC PLACES. (20-T-19)

Proposed Ordinance - PO-2023-16 beginning at: 1:30 PM, or as soon thereafter as same can be heard:

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING THE CITY'S ADOPTED COMPREHENSIVE PLAN BY AMENDING THE LAND USE ELEMENT TO ESTABLISH CERTAIN PERMITTED USES IN AREAS DESIGNATED OPEN SPACE AND RECREATION. (23-L-40)

The proposed ordinance(s) may be inspected by the public in the Office of the City Clerk, Room 221, 2600 Hollywood Blvd, Hollywood, Florida, between the hours of 7:00 AM and 5:45 PM on any regular working day. Interested parties may appear at the aforesaid time and place and be heard with respect to the proposed ordinance(s).

NOTE: Any person who decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting will need a record of the proceedings, and it will be their responsibility to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Please call 954-921-3211 for any questions regarding the above matter.

Persons with disabilities who require reasonable accommodation to participate in City programs and/or services may call the Clarissa Ip, ADA Coordinator/City Engineer, five business days in advance at 954-921-3915 (voice) or email: cip@hollywoodfl.org. For the hearing and speech impaired at 800-955-8771 (V-TDD).

Dated this 21st day of November, 2023.

Patricia A. Cerny, MMC
City Clerk
Hollywood, FL

Instructions:

THE SUN SENTINEL/LEGAL AD – Public Meeting/Public Hearing Notice

PUBLISH: Tuesday, November 21, 2023

FURNISH PROOF OF PUBLICATION

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LEGAL AD
CITY OF HOLLYWOOD

NOTICE IS HEREBY GIVEN in accordance with Section 166.041 Florida Statutes that the City Commission of the City of Hollywood, Florida, at a Regular City Commission Meeting, on Wednesday, September 20, 2023, in the City Commission Chambers, Room 219, 2600 Hollywood Blvd, Hollywood, Florida, proposes to consider the following items:

File Number – 23-L-40 - beginning at: 1:15 PM, or as soon thereafter as same can be heard:
AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING THE CITY'S ADOPTED COMPREHENSIVE PLAN BY AMENDING THE LAND USE ELEMENT TO ESTABLISH CERTAIN PERMITTED USES IN AREAS DESIGNATED OPEN SPACE AND RECREATION; AND PROVIDING AN EFFECTIVE DATE.

File Number - 23-AP-69 - beginning at: 1:30 PM, or as soon thereafter as same can be heard:
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, CONSIDERING THE APPEAL OF A PLANNING AND DEVELOPMENT BOARD DECISION DENYING SPECIAL EXCEPTION TO ESTABLISH A K-12 EDUCATIONAL SCHOOL (MIDRASH OHR HA-CHAYIM HA-KADOSH HOLLYWOOD PRIVATE SCHOOL) PROPOSED TO BE LOCATED AT 1720 HARRISON STREET, IN ACCORDANCE WITH THE CITY'S ZONING AND LAND DEVELOPMENT REGULATION.

The proposed item(s) may be inspected by the public in the Office of the City Clerk, Room 221, 2600 Hollywood Blvd, Hollywood, Florida, between the hours of 7:00 AM and 5:45 PM on any regular working day. Interested parties may appear at the aforesaid time and place and be heard with respect to the proposed ordinance(s).

NOTE: Any person who decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting will need a record of the proceedings, and it will be their responsibility to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Please call 954-921-3211 for any questions regarding the above matter.

Persons with disabilities who require reasonable accommodation to participate in City programs and/or services may call the Division of Engineering/Transportation & Mobility, Azita Behmardi, ADA Coordinator/City Engineer, five business days in advance at 954-921-3251 (voice) or email: abehmardi@hollywoodfl.org. The current number is still in effect for the hearing and speech impaired at 800-955-8771 (V-TDD).

Dated this 7th day of September, 2023.

Patricia A. Cerny, MMC
City Clerk
Hollywood, FL

Instructions:
THE SUN SENTINEL/LEGAL AD – Public Meeting/Public Hearing Notice
PUBLISH: Thursday, September 7, 2023
FURNISH PROOF OF PUBLICATION

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